

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Clarence Maddox
Court Administrator • Clerk of Court

301 North Miami Avenue
Miami, Florida 33128-7788
(305) 523-5100

March 23, 2007

United States District Court
Northern District of California
Office of the Clerk
1301 Clay Street Suite 400S
Oakland, California 94612-5212

RE: USA vs. **Frank Tolentino**
Case No. **06-80155-Cr-Middlebrooks**

3-06-70718 MAG

Dear Sir or Madam:

The defendant in the above case has entered a Consent to Transfer of Case for Plea and Sentence (*Under Rule 20*) and is being transferred to your court. The following items are being forwarded herewith:

- Certified Copy*
- (1) ~~original~~ Consent to Transfer of Case for Plea and Sentence (*Under Rule 20*)
 - (1) certified copy of the Indictment/Information
 - (1) certified copy of the Docket Sheet

Please acknowledge receipt of the above on the enclosed copy of this letter and return it the envelope which has been provided.

CLARENCE MADDOX
Clerk of Court

by: *Patricia Alcalde*
Patricia Alcalde
Deputy Clerk

Encl.

cc: Court File

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CLARENCE MADDOX
Clerk of Court

by: *Patricia Alcalde*
Patricia Alcalde
Deputy Clerk

Encl.

CLERK'S ACKNOWLEDGMENT OF RECEIPT

This case has been assigned our
case number:

by: _____,
Deputy Clerk

Date: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06- 80155-CR-MIDDLEBROOKS/JOHNSON

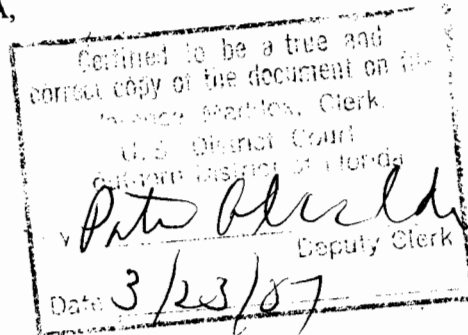
UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK TOLENTINO,

Defendant.



FILED BY _____ D.C.
2007 JAN -4 AM 11:47
CLARENCE M. JOHNSON
CLERK U.S. DIST. CT.
S.D. OF FLA. - WPB

CONSENT TO TRANSFER OF CASE
FOR PLEA AND SENTENCE

I, Frank Tolentino, defendant, have been informed that an Indictment is pending against me in the Southern District of Florida, in the above designated case. I agree to plead guilty to the offenses charged and consent to the disposition of the case in the Northern District of California and to waive trial in the Southern District of Florida.

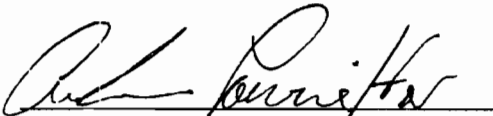
Date: 12/20/06

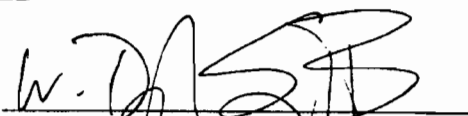
Defendant

Date: 12/20/06

Counsel for the Defendant

APPROVED


R.ALEXANDER ACOSTA
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA


KEVIN V. RYAN
UNITED STATES ATTORNEY
NORTHERN DISTRICT OF CALIFORNIA

Entered to be a true and
correct copy of the document on file
in the Court of the Southern District
of Florida.
Deputy Clerk
Date 3/23/07

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

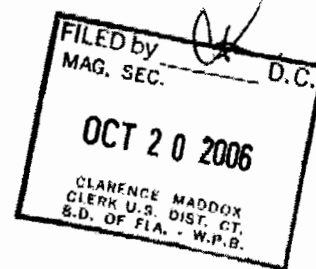
CASE NO. 06-80155-CR-Middlebrook/J
21 USC § 841(a)(1)
21 USC §§ 841(b)(1)(B) and (C) Johnson

UNITED STATES OF AMERICA,

v.

FRANK TOLENTINO,

Defendant.



INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about July 6, 2006, at Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

FRANK TOLENTINO,

did knowingly and intentionally distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that the controlled substance was in fact a mixture and substance containing a detectable amount of methamphetamine hydrochloride, its salts, isomers, and salts of its isomers.

COUNT TWO

On or about August 10, 2006, at Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

302

FRANK TOLENTINO,

did knowingly and intentionally distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

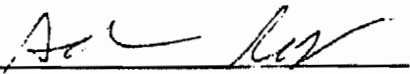
Pursuant to Title 21, United States Code, Section 841(b)(1)(B), it is further alleged that the controlled substance was in fact at least fifty (50) grams of a mixture and substance containing a detectable amount of methamphetamine hydrochloride, its salts, isomers, and salts of its isomers.

A TRUE BILL



FOR PERSON

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



ADRIENNE RABINOWITZ
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

FRANK TOLENTINO,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division: (Select One)

____ Miami ____ Key West
 ____ FTL X WPB ____ FTP

New Defendant(s) Yes ____ No ____
 Number of New Defendants ____
 Total number of counts ____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: No
 List language and/or dialect English

4. This case will take 3 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
 (Check only one) (Check only one)

I	0 to 5 days	<u>X</u> ____	Petty	____
II	6 to 10 days	____	Minor	____
III	11 to 20 days	____	Misdern.	____
IV	21 to 60 days	____	Felony	<u>X</u> ____
V	61 days and over	____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____ Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No. _____ N/A

Related Miscellaneous numbers: _____ N/A

Defendant(s) in federal custody as of _____ N/A

Defendant(s) in state custody as of _____ N/A

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

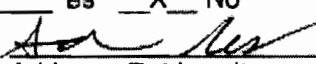
7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? ____ Yes X No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? ____ Yes X No

If yes, was it pending in the Central Region? ____ Yes ____ No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? ____ Yes X No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? ____ Yes X No


 Adrienne Rabinowitz
 Assistant United States Attorney
 Florida Bar No. 0833754

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: FRANK TOLENTINO

Case No: _____

Count #: 1

21 U.S.C §841(a)(1); 841(b)(1)(C)

*** Max. Penalty:** 20 Years Imprisonment, supervised release of 3 years to life, \$1,000,000 Fine

Count #: 2

21 U.S.C §841(a)(1); 841(b)(1)(B)

***Max. Penalty:** 40 Years Imprisonment, supervised release of 4 years to life, \$2,000,000 Fine

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

LRJ

**U.S. District Court
Southern District of Florida (West Palm Beach)
CRIMINAL DOCKET FOR CASE #: 9:06-cr-80155-DMM-ALL
Internal Use Only**

Case title: USA v. Tolentino

Date Filed: 10/20/2006

Assigned to: Judge Donald
M. Middlebrooks
Referred to: Magistrate Judge
Linnea R. Johnson

Defendant

Frank Tolentino (1)

represented by **Federal Public Defender**

West Palm Beach Office
400 Australian Ave. North
Suite 300
West Palm Beach, FL 33401
US

561-833-6288

Fax: 561-833-0368

Email:

cjonesaty@hotmail.com

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

*Designation: Public Defender
Appointment*

*Patricia A. Jones / de
3/23/07*

Lori E. Barrist

Federal Public Defender's
Office

400 Australian Avenue

Suite 1000
West Palm Beach, FL 33401-
5040
561-833-6288
Fax: 833-0368
Email: lori_barrist@fd.org
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Pending Counts

CONTROLLED SUBST
SELL/DISTR/DISPENSE
(1-2)

Disposition

Highest Offense Level
(Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Adrienne Rabinowitz**
United States Attorney's Office
500 South Australian Avenue

Suite 400
 West Palm Beach, FL 33401
 561-820-8711
 Fax: 659-4526
 Email:
 adrienne.rabinowitz@usdoj.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/20/2006	31	Motion to Seal (ck) Modified on 11/30/2006 (eg1). (Entered: 10/25/2006)
10/20/2006	32	Order to Seal Document (ck). Modified on 11/30/2006 (eg1). (Entered: 10/25/2006)
10/20/2006	33	INDICTMENT as to Frank Tolentino (1) count(s) 1-2. (eg1) (Entered: 11/30/2006)
10/23/2006	4	*** ARREST Warrant Issued by Judge James M. Hopkins in case as to Frank Tolentino. Bond set at: Pretrial Detention. (eg1) (Entered: 11/30/2006)
11/02/2006	3	Arrest of Frank Tolentino in Northern District of California. (eg1) (Entered: 11/30/2006)
11/27/2006	35	Rule 5(c)(3) Documents Received as to Frank Tolentino. (eg1) (Entered: 11/30/2006)
12/08/2006	36	Minute Entry for proceedings held before Judge Linnea R. Johnson :Initial Appearance as to Frank Tolentino held on 12/8/2006 (Tape #LRJ-06-68-329.) (eg1) (Entered: 12/08/2006)
12/08/2006	37	Order on Initial Appearance as to Frank Tolentino for proceeding held on 12/8/2006 Attorney Federal Public Defender for Frank Tolentino added for the defendant. Court continues defendant on same bond of \$100,000

		PSB; Report to Pretrial Services 1 x week in person; Mandatory drug testing and if necessary, treatment and counseling; Restricted to Southern District of Florida and District where he lives. Tape #LRJ-06-68-329 . Signed by Judge Linnea R. Johnson on 12/8/06. (eg1) (Entered: 12/08/2006)
12/08/2006	38	ARRAIGNMENT INFORMATION SHEET as to Frank Tolentino (1) Count 1-2. Arraignment held on 12/8/2006 before Judge Linnea R. Johnson. NOT GUILTY PLEA ENTERED as to counts. Court accepts plea. Tape #LRJ-06-68-329 (eg1) (Entered: 12/08/2006)
12/08/2006	39	STANDING DISCOVERY ORDER as to Frank Tolentino. All motions concerning matters not covered by this order must be filed within 28 days of this order. Signed by Judge Linnea R. Johnson on 12/8/06. (eg1) (Entered: 12/08/2006)
12/12/2006	310	Notice of Assignment of Assistant Federal Public Defender as to Frank Tolentino. Attorney Lori E. Barrist added. (Barrist, Lori) (Entered: 12/12/2006)
12/12/2006	311	Invocation of Right to Silence and Counsel by Frank Tolentino (Barrist, Lori) (Entered: 12/12/2006)
12/14/2006	312	Personal Surety Bond Entered as to Frank Tolentino Bond amount \$100,000. (Defendant released 12/8/06- See Order on Initial for bond conditions) Approved by Judge Linnea R. Johnson (eg1) (Entered: 12/14/2006)
12/14/2006	313	ORDER as to Frank Tolentino Calendar Call set for 1/3/2007 10:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks. Jury Trial set for 1/8/2007 09:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks.Signed by Judge Donald M. Middlebrooks on 12/13/2006. (ls) (Entered: 12/14/2006)
12/19/2006	314	NOTICE of Filing and Request to Remove Case From

		<i>Trial Calendar</i> by Frank Tolentino (Attachments: # 1) (Barrist, Lori) (Entered: 12/19/2006)
12/21/2006	315	ORDER Removing Case From Trial Calendar as to Frank Tolentino. Signed by Judge Donald M. Middlebrooks on 12/21/2006. (ls) (Entered: 12/22/2006)
12/22/2006	316	RESPONSE to Standing Discovery Order by USA as to Frank Tolentino (Rabinowitz, Adrienne) (Entered: 12/22/2006)
01/04/2007	318	NOTICE OF FILING RULE 20 consent to transfer case, by USA as to Frank Tolentino re 17 Notice (Other), Notice (Other) (pa) (Entered: 01/08/2007)
01/08/2007	317	NOTICE of Consent to transfer of Case for plea and sentence signed by R. Alexander Acosta US Attorney for Southern District of Florida and Kevin V. Ryan US Attorney Northern District of California, by USA as to Frank Tolentino (PLEASE NOTE: DOCUMENT SENT TO JUDGE MIDDLEBROOKS CHAMBERS FOR APPROVAL). (pa) (Entered: 01/08/2007)
01/10/2007	319	Arrest Warrant Returned Executed on 12/8/2006 in case as to Frank Tolentino (ls) (Entered: 01/11/2007)
03/23/2007	320	Transmittal Letter as to Frank Tolentino sent to Northern District of California, Oakland with Certified Copies of Consent to transfer rule 20, Indictment, docket sheet (pa) (Entered: 03/23/2007)